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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:

☒ Practitioners associated with the Customer Number:

23643

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

DePuy Products, Inc.  
700 Orthopaedic Drive  
Warsaw, IN 46581

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	Stephen J. Manich, Esq.		Date	June 30, 2004
Signature	<i>Stephen J. Manich</i>		Telephone	(574) 372-7796
Title	Assistant Secretary			

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: DePuy Products, Inc.

Application No./Patent No.: 10/828,778 Filed/Issue Date: April 21, 2004

Entitled: APPARATUS FOR SECURING A SENSOR TO A SURGICAL INSTRUMENT FOR USE IN COMPUTER GUIDED ORTHOPAEDIC SURGERY

DePuy Products, Inc., a Corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: the inventors To: DePuy Products, Inc.  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[☒] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 25, 2004  
Date  
(317) 231-7216  
Telephone number

Carli E. Stewart, Attorney No. 51058  
Typed or printed name  
Carli E. Stewart  
Signature  
Attorney for the Assignee  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ASSIGNMENT TO BUSINESS CONCERN

Attorney Docket No.: 265280-74911  
Client Reference No.: DEP-5267USA

**ASSIGNMENT**

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned,

Name(s) of Inventor(s) Gabriel Surma  
Troy David Martin  
James Edward Clark and,  
Jack Theodore Bryant

maker(s) of an invention which is the subject of an application for Letters Patent of the United States ("Application") entitled

Title of APPARATUS FOR SECURING A SENSOR TO A SURGICAL INSTRUMENT FOR USE  
Application IN COMPUTER GUIDED ORTHOPAEDIC SURGERY

the undersigned hereby sell(s), assign(s), and set(s) over to

Name of Assignee DePuy Products, Inc.

Address of principal place of business 700 Orthopaedic Drive  
Warsaw, IN 46581

Insert State of Incorporation (if applicable) or "Not Applicable" a corporation of Indiana

(hereinafter designated as the Assignee) their entire right, title, and interest in, to, and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all Letters Patent of the United States and of all other countries, including Canada, which may be granted for such inventions, or any of them, all such inventions and all rights in such Application and Letters Patent to be held and enjoyed by Assignee for its own use and enjoyment to the full end of the term or terms for which such Letters Patent may be granted, as fully and entirely as the same would have been held and enjoyed by them had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) in the United States and foreign countries and any continuing, divisional, or reissue applications thereof, and any reexamination of any of such applications, and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared or litigation concerning the application(s) or continuation, division, reissue, or reexamination thereof, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or litigation.

The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

ASSIGNMENT TO BUSINESS CONCERN

The undersigned agree(s) to do all other acts which, in the opinion of Assignee, may be necessary or desirable to secure the grant of Letters Patent to Assignee or its nominees, in the United States and in all other countries where Assignee may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by Assignee and to vest and confirm in Assignee or its nominees the full and complete legal and equitable title to all such Letters Patent.

The undersigned hereby authorize(s) and request(s) the Commissioner of Patents to issue any and all Letters Patent of the United States resulting from said application(s) or any division or divisions or continuing or reissue applications thereof, and any reexamination of any of such applications, to the said Assignee, as Assignee of the entire interest, and hereby covenants that the undersigned has full right to convey the interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict herewith.

The undersigned hereby grant(s) the attorney of record the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, I have executed this assignment at Warsaw  
this 18th day of August, 2004.

Outside the USA: \_\_\_\_\_  
Witnesses are required when acknowledgment before a Notary Public is not feasible. \_\_\_\_\_  
Witness

Gabriel Surma  
Inventor (Signature)  
Gabriel Surma  
Inventor (Printed Name)

ACKNOWLEDGMENT

STATE OF Indiana }  
COUNTY OF Kosciusko } SS:

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and Notarial Seal  
this 18th day of August, 2004.

Nancy Williams  
Notary Public  
NANCY WILLIAMS  
NOTARY PUBLIC STATE OF INDIANA  
KOSCIUSKO COUNTY  
MY COMMISSION EXP. JUNE 21, 2008

My Commission Expires: 6/21/2008

Resident of Kosciusko County

IN WITNESS WHEREOF, I have executed this assignment at Warsaw, Indiana  
this 18<sup>th</sup> day of August, 2004.

Outside the USA: \_\_\_\_\_  
Witnesses are required when acknowledgment before a Notary Public is not feasible. \_\_\_\_\_  
Witness

Troy David Martin  
Inventor (Signature)

Troy David Martin  
Inventor (Printed Name)

#### ACKNOWLEDGMENT

STATE OF Indiana }  
COUNTY OF Kosciusko } SS:

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and Notarial Seal  
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Nancy Williams  
Notary Public

NANCY WILLIAMS  
NOTARY PUBLIC STATE OF INDIANA  
KOSCIUSKO COUNTY  
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Outside the USA: \_\_\_\_\_  
Witnesses are required when acknowledgment before a Notary Public is not feasible. \_\_\_\_\_  
Witness

James Edward Clark  
Inventor (Signature)

James Edward Clark  
Inventor (Printed Name)

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COUNTY OF Kosciusko } SS:

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Nancy Williams  
Notary Public

NANCY WILLIAMS  
NOTARY PUBLIC STATE OF INDIANA  
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Witness

Jack Theodore Bryant  
Inventor (Signature)

Jack Theodore Bryant  
Inventor (Printed Name)

#### ACKNOWLEDGMENT

STATE OF Indiana }  
COUNTY OF Kosciusko }

SS:

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this 18<sup>th</sup> day of August, 2004.

Nancy Williams  
Notary Public  
**NANCY WILLIAMS**  
**NOTARY PUBLIC STATE OF INDIANA**  
**KOSCIUSKO COUNTY**  
Printed Name  
MY COMMISSION EXP. JUNE 21, 2008  
Resident of Kosciusko County.

My Commission Expires: 6/21/2008

U.S. Application Serial No. 10/828,778  
Filing Date April 21, 2004